

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RUSLAN KIRILYUK,

Plaintiff

v.

CORE CIVIC, *et al.*,

Defendants

Case No. 2:20-cv-01253-APG-EJY

ORDER

I. DISCUSSION

On July 6, 2020, Plaintiff, an inmate in the custody of the Nevada Southern Detention Center (“NSDC”), filed an application to proceed *in forma pauperis* together with a civil rights complaint under 42 U.S.C. § 1983. (ECF Nos. 1, 1-1). Plaintiff’s application to proceed *in forma pauperis* is incomplete. Plaintiff has not submitted an inmate account statement. If Plaintiff has not been at the NSDC facility a full six-month period, Plaintiff must still submit an inmate account statement for the dates he has been present at the facility.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and
- (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period.** If Plaintiff has not been at the facility a full six-month period, Plaintiff must still submit an inmate account statement for the dates he has been present at the facility.

Accordingly, the Court denies Plaintiff’s application to proceed *in forma pauperis* (ECF No. 1) without prejudice because the application is incomplete. The Court grants Plaintiff a **one-time**

1 **extension** to file a fully complete application to proceed *in forma pauperis* containing all three of
2 the required documents. Plaintiff must file a fully complete application to proceed *in forma pauperis*
3 on or before **September 7, 2020**. Absent unusual circumstances, the Court will not grant any further
4 extensions of time. If Plaintiff is unable to file a fully complete application to proceed *in forma*
5 *pauperis* with all three required documents on or before **September 7, 2020**, the Court will dismiss
6 this case without prejudice for Plaintiff to file a new case with the Court when Plaintiff is able to
7 acquire all three of the documents needed to file a fully complete application to proceed *in forma*
8 *pauperis*. A dismissal without prejudice means Plaintiff does not give up the right to refile the case
9 with the Court, under a new case number, when Plaintiff has all three documents needed to submit
10 with the application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file an
11 application to proceed *in forma pauperis* and instead pay the full filing fee of \$400 on or before
12 **September 7, 2020** to proceed with this case. The Court will retain Plaintiff's civil rights complaint
13 (ECF No. 1-1), but the Court will not file the complaint unless and until Plaintiff timely files a fully
14 complete application to proceed *in forma pauperis* with all three documents or pays the full \$400
15 filing fee.

16 **II. CONCLUSION**

17 For the foregoing reasons, IT IS HEREBY ORDERED that Plaintiff's application to proceed
18 *in forma pauperis* (ECF No. 1) is denied without prejudice. Plaintiff may file a new and fully
19 complete application to proceed *in forma pauperis* that includes all three documents by September
20 7, 2020.

21 IT IS FURTHER ORDERED that the Clerk of the Court shall send Plaintiff the approved
22 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled
23 information and instructions for filing an *in forma pauperis* application.

24 IT IS FURTHER ORDERED that on or before **September 7, 2020**, Plaintiff shall either pay
25 the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50
26 administrative fee) or file with the Court:

1 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's
2 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page
3 3),

4 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
5 (i.e. page 4 of this Court's approved form), and

6 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
7 **six-month period**. If Plaintiff has not been at the facility a full six-month period, Plaintiff
8 must still submit an inmate account statement for the dates he has been present at the facility.

9 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to
10 proceed *in forma pauperis* with all three documents or pay the full \$400 filing fee for a civil action
11 on or before **September 7, 2020**, the Court will dismiss this action without prejudice for Plaintiff to
12 refile the case with the Court, under a new case number, when Plaintiff has all three documents
13 needed to file a complete application to proceed *in forma pauperis*.

14 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint (Docket
15 No.1-1) but will not file it at this time.

16 Dated this 10th day of July, 2020

17
18 
19 ELAYNA J. YOUCHAH
20 UNITED STATES MAGISTRATE JUDGE
21
22
23
24
25
26
27
28